

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ELTON JACKSON,)
)
)
Plaintiff,) No. 4:15-CV-1426-AGF
)
)
v.))
)
UNKNOWN RENTRO, et al.,)
)
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on its own motion. On or about May 2, 2016, the Office of the Missouri Attorney General notified the Court that it is unable to waive service for defendant “Mr. Hergore,” because there is no one employed by the Missouri Department by that name. With regard to defendant “Mr. Uptgrove,” the Missouri Attorney General’s Office stated, “No one with that name is currently employed at the Missouri Department of Corrections. An individual with a similar name that previously worked for the Missouri Department of Corrections is no longer employed there.”

Thereafter, the Court issued an Order directing defense counsel, Jeffrey T. Spahr, Assistant Attorney General, to submit to the Court, *under seal and ex parte*, the last known full names, residential addresses, and/or places of employment for Missouri Department of Corrections employees, past or present, whose names are

similar to Mr. Uptgrove and Mr. Hergore [Doc. 19]. A response was filed under seal on July 1, 2016 [Doc. 20]. Mr. Spahr provided the Court with the last known address of “Corey N. Uptegrove,” and he states that he has determined that plaintiff intended to name “Eric M. Herzog” as a defendant in this case, rather than “Unknown Hergore.” Mr. Spahr has entered his appearance on behalf of Eric Herzog [Doc. 21] and waived service of process as to this defendant [Doc. 22].

Accordingly,

IT IS HEREBY ORDERED that “Corey N. Uptegrove” shall be **SUBSTITUTED** for “Unknown Uptgrove” as a party-defendant in this action.

IT IS FURTHER ORDERED that the Clerk of Court shall issue process or cause process to be issued on the complaint as to defendant Corey N. Uptegrove at the address provided under seal in Document #20.

IT IS FURTHER ORDERED that summons and return of summons on defendant Corey N. Uptegrove shall be **FILED UNDER SEAL**.

IT IS FURTHER ORDERED that “Eric M. Herzog” shall be **SUBSTITUTED** for “Unknown Hergore” as a party-defendant in this action.

Dated this 7th day of July, 2016.

Audrey G. Fleissig
UNITED STATES DISTRICT JUDGE